

AMENDMENT

In the Claims:

The following listing reflects amendments to the claims and replaces all prior versions and listings of claims in this application.

1. (Cancelled)
2. (Previously presented) The Intron A fragment of claim 12, wherein when said fragment is present in an expression construct, the expression construct directs the transcription of a coding sequence present in the construct at levels at least two-fold greater than those levels achieved by an expression construct that includes a corresponding intact, full-length Intron A sequence.
3. (Cancelled)
4. (Cancelled)
5. (Currently amended) The Intron A fragment of claim 12, wherein said fragment comprises: (a) ~~a sequence of nucleotides having at least 90% sequence identity to the contiguous sequence of nucleotides found at positions 1-51, inclusive, of Figure 1A SEQ ID NO:1, and (b) a sequence of nucleotides having at least 90% sequence identity to the contiguous sequence of nucleotides found at positions 741-820, inclusive, of Figure 1A SEQ ID NO:1,~~ wherein when said fragment is present in an expression construct, the expression construct directs the transcription of a coding sequence present in the construct at levels equal to, or greater than those levels achieved by an expression construct that includes a corresponding intact, full-length Intron A sequence.
6. (Previously presented) The Intron A fragment of claim 5, wherein when said fragment is present in an expression construct, the expression construct directs the transcription of a

coding sequence present in the construct at levels at least two-fold greater than those levels achieved by an expression construct that includes a corresponding intact, full-length Intron A sequence.

7. (Cancelled)

8. (Cancelled)

9. (Currently amended) The Intron A fragment of claim 5, wherein said fragment comprises in 5' to 3' order: the sequence of nucleotides 1-51, inclusive, of Figure 1A SEQ ID NO:1, linked to nucleotides 741-820, inclusive, of Figure 1A SEQ ID NO:1.

10. (Currently amended) The A human cytomegalovirus (hCMV) Intron A fragment of claim 5, wherein said fragment comprises the Intron A nucleotide sequence depicted in Figure 1C of SEQ ID NO:3, or a nucleotide sequence with at least 90% 95% sequence identity thereto, wherein when said fragment is present in an expression construct, the expression construct directs the transcription of a coding sequence present in the construct at levels equal to, or greater than, those levels achieved by an expression construct that includes a corresponding intact, full-length Intron A sequence.

11. (Currently amended) The Intron A fragment of claim 10, wherein said fragment consists of the ~~Intron A~~ nucleotide sequence ~~depicted in Figure 1C~~ of SEQ ID NO:3.

12. (Currently amended) A human cytomegalovirus (hCMV) Intron A fragment, wherein said fragment has an internal deletion of at least 10 nucleotides of the full-length Intron A sequence and comprises: (a) ~~a sequence of nucleotides having at least 90% sequence identity to the contiguous sequence of nucleotides found at positions 1-25, inclusive, of Figure 1A SEQ ID NO:1, and (b) a sequence of nucleotides having at least 90% sequence identity to the contiguous sequence of nucleotides found at positions 775-820, inclusive, of Figure 1A SEQ ID NO:1,~~ wherein when said fragment is present in an expression construct, the expression construct

directs the transcription of a coding sequence present in the construct at levels equal to, or greater than, those levels achieved by an expression construct that includes a corresponding intact, full-length Intron A sequence.

13. (Currently amended) A human cytomegalovirus (hCMV) Intron A fragment, wherein said fragment ~~has an internal deletion of at least 10 nucleotides of the full-length Intron A sequence and~~ comprises: ~~(a) in 5' to 3' order:~~ a sequence of nucleotides having at least 90% 95% sequence identity to the contiguous sequence of nucleotides found at positions 1-51, ~~inclusive,~~ of ~~Figure 1A SEQ ID NO:1 linked to,~~ and ~~(b)~~ a sequence of nucleotides having at least 90% 95% sequence identity to the contiguous sequence of nucleotides found at positions 741-820, ~~inclusive,~~ of ~~Figure 1A SEQ ID NO:1~~, wherein when said fragment is present in an expression construct, the expression construct directs the transcription of a coding sequence present in the construct at levels equal to, or greater than, those levels achieved by an expression construct that includes a corresponding intact, full-length Intron A sequence.

14. (Previously presented) A recombinant expression construct effective in directing the transcription of a selected coding sequence, said expression construct comprising:

- (a) a coding sequence;
 - (b) control elements that are operably linked to said coding sequence, wherein said control elements comprise the Intron A fragment of claim 12,
- whereby said coding sequence can be transcribed and translated in a host cell.

15. (Original) A recombinant expression construct effective in directing the transcription of a selected coding sequence, said expression construct comprising:

- (a) a coding sequence;
 - (b) control elements that are operably linked to said coding sequence, wherein said control elements comprise the Intron A fragment of claim 9,
- whereby said coding sequence can be transcribed and translated in a host cell.

16. (Original) A recombinant expression construct effective in directing the transcription of a selected coding sequence, said expression construct comprising:

- (a) a coding sequence;
 - (b) control elements that are operably linked to said coding sequence, wherein said control elements comprise the Intron A fragment of claim 11,
- whereby said coding sequence can be transcribed and translated in a host cell.

17. (Currently amended) The recombinant expression construct of claim 14, wherein said control elements further comprise a promoter selected from the group consisting of ~~an SV40~~ a simian virus 40 (SV40) early promoter, a ~~CMV~~ cytomegalovirus (CMV) promoter, a mouse mammary tumor virus ~~LTR~~ long terminal repeat promoter, an adenovirus major late promoter, ~~an RSV~~ a rous sarcoma virus (RSV) promoter, a SR α promoter, and a herpes simplex virus promoter.

18. (Currently amended) The recombinant expression construct of claim 16, wherein said control elements further comprise the hCMV immediate-early (IE1) enhancer/promoter region found at nucleotide positions 460 to 1264 of ~~Figure 2~~ SEQ ID NO:4, and said control elements further comprise Exon 2 of the 5'-UTR comprising the sequence of nucleotides ~~depicted at positions 821-834, inclusive, of Figure 1A~~ SEQ ID NO:1.

19. (Original) A host cell comprising the recombinant expression construct of claim 14.

20. (Original) A host cell comprising the recombinant expression construct of claim 15.

21. (Original) A host cell comprising the recombinant expression construct of claim 16.

22. (Original) A host cell comprising the recombinant expression construct of claim 18.

23. (Withdrawn) A method of producing a recombinant polypeptide comprising:

- (a) providing a population of host cells according to claim 19; and

(b) culturing said population of cells under conditions whereby said coding sequence of said recombinant expression construct is expressed, thereby producing said recombinant polypeptide.

24. (Withdrawn) A method of producing a recombinant polypeptide comprising:

(a) providing a population of host cells according to claim 20; and

(b) culturing said population of cells under conditions whereby said coding sequence of said recombinant expression construct is expressed, thereby producing said recombinant polypeptide.

25. (Withdrawn) A method of producing a recombinant polypeptide comprising:

(a) providing a population of host cells according to claim 21; and

(b) culturing said population of cells under conditions whereby said coding sequence of said recombinant expression construct is expressed, thereby producing said recombinant polypeptide.

26. (Withdrawn) A method of producing a recombinant polypeptide comprising:

(a) providing a population of host cells according to claim 22; and

(b) culturing said population of cells under conditions whereby said coding sequence of said recombinant expression construct is expressed, thereby producing said recombinant polypeptide.

27. (Withdrawn) A method of producing a recombinant polypeptide comprising:

(a) introducing the expression construct of claim 14 into a host cell; and

(b) causing expression of the coding sequence of said expression construct to produce the recombinant polypeptide.

28. (Withdrawn) A method of producing a recombinant polypeptide comprising:
(a) introducing the expression construct of claim 15 into a host cell; and
(b) causing expression of the coding sequence of said expression construct to produce the recombinant polypeptide.

29. (Withdrawn) A method of producing a recombinant polypeptide comprising:
(a) introducing the expression construct of claim 16 into a host cell; and
(b) causing expression of the coding sequence of said expression construct to produce the recombinant polypeptide.

30. (Withdrawn) A method of producing a recombinant polypeptide comprising:
(a) introducing the expression construct of claim 18 into a host cell; and
(b) causing expression of the coding sequence of said expression construct to produce the recombinant polypeptide.

31. (Withdrawn) A polynucleotide comprising the sequence depicted in Figure 5B.